

our vote. "We, of course, don't really know just what the opposition has polled, but on information that is good authority we give them not more than 30,000 votes."

Samuel Untermyer, seated, the following statement at his office last night:

"I suppose Kelsey is correctly quoted as having said that the result in the New York Life election is overwhelmingly in favor of the administration ticket, but he must have taken a look into the sealed ballots, which are not supposed to be yet opened, amounting to about 200,000. We made certain objections to Supt. Kelsey against certain of the inspectors of election who were selected. It may be that something more will be said, but I am sure that, from all the information we can gather, the vote in both companies is going to be exceedingly close. We believe that when the ballots are counted and the fraudulent, defective and duplicated ballots thrown out, the policyholders will win by a safe majority in both companies."

The manner in which the elections have been conducted on behalf of the administration is well illustrated by the troop of agents and others in the employ of the company that marched to the polls in the New York Life office to-day and refused to answer question after question as to whether the company had paid the expenses of collecting these proxies, whether they inserted the policy numbers in the proxies before they were sent out, and whether the work of collecting these proxies had been done by the agents and employees of the company, with the officers, stationery and time of its employees.

It was a lively scene in the basement of the New York Life building, at the Lafayette street end, yesterday from 10 o'clock in the morning until the polls closed at 4 o'clock. State Superintendent of Insurance Otto Kelsey was in charge with the five inspectors of election that he had named. Samuel Untermyer was there to represent the International Policyholders' committee, while Lawyers William Nelson Cromwell and James H. McIntosh looked after the interests of the administration.

President Alexander E. Orr, Vice-Presidents Daniel P. Kingsley and Edmund Randolph, Secretary John C. McCall and other officers of the company showed up at different times to vote proxies. The administration proxy committee, consisting of T. H. Hazard, Alvin R. Johnson and Horace H. Lunt entered the polling place at 11 o'clock in the morning and voted 88,000 proxies in one batch.

Proxies were in huge wadded paper baskets and the space of the room was severely taxed to permit of these being placed there. Alton B. Parker arrived early in the afternoon and voted eight proxies for the policyholders' ticket. Richard Olney, Gen. Benjamin F. Tracy and Harlow N. Higginbotham, the proxy committee of the policyholders, voted 4,000 proxies shortly before noon. John B. Ciffin, twenty proxies and presented twenty ballots for the administration ticket.

Mr. Untermyer questioned all proxy tenderers closely, especially the company agents who showed up with them. Nearly all refused to tell the policyholders' lawyer whether the company had paid for the printing, whether the policy numbers had been placed on them before being sent to the policyholders for the purpose of other similar questions. Mr. Untermyer and Mr. Cromwell had numerous tiffs. Ex-Gov. Carroll S. Page of Vermont came in during the afternoon and voted one proxy. Former Comptroller of the Treasury James H. Eckels showed up soon after and voted 1,438 proxies. Mr. Eckels is a trustee of the New York Life.

He couldn't say whether the company had paid for the printing and clerical work necessary to get the proxies sent out. Police Commissioner James H. Duirke of Cincinnati showed up with 1,072 proxies. He didn't know much about how the proxies were got out and paid for, but he did know that he paid his own railroad fare to bring the proxies here and didn't know who was going to reimburse him.

At the Mutual office the day was a very quiet one. President Charles A. Peabody was the first to enter when the polls opened and he voted 159 proxies. Cornelius Vanderburgh followed and voted more proxies for the administration ticket. So did Frederick Cromwell, John W. Auchincloss and Augustus D. Juilliard. Louis Marshall, who represented the international policyholders' committee, protested against many of these proxies, but all were allowed to go in for the present. James McKee, the Mutual's general counsel, led the proxy committee in and voted the big batch, the number of which is disputed. At 3:30 o'clock in the afternoon President Peabody and others voted the ballots that had been sent to the offices of the company.

No trouble occurred at the office of the Mutual Reserve, where a perfunctory election was held. There was opposition to the administration ticket here, but certain policyholders had been grumbling lately about the criminal charges against the officers, and it was thought that there might be a demonstration of some sort.

It developed yesterday that George Burnham, Jr., general counsel and vice-president of the company, had been withdrawn from the administration ticket. He is in the Tombs under sentence for grand larceny in making away with funds of the company. In place of Burnham there was substituted on the ticket the name of Alva Collins, of Brooklyn. According to the insurance law there are only two reasons for disqualifying a candidate who has been selected and whose name has been filed at the proper time with the State authorities as a candidate. This is through death or incapacity. It was alleged that Burnham was incapacitated. Frederick A. Burnham, president of the company, and George D. Eldridge, vice-president, were both re-elected trustees. They are soon to be tried for the same offense for which George Burnham, Jr., was convicted.

A total of 1,600 votes by proxies was polled in the Mutual Reserve and seven policyholders showed up and voted in person. John J. Lordan, who is the counsel for an association among the policyholders of this company, said last night that he was going to start at once proceedings which will have a great effect on the management and on this election of the Mutual Reserve.

The election in the Equitable Life will be held to-day. The schedule made by the State authorities put the election a day later than the Mutual. There will be no excitement at the Equitable, as there is no opposition to the administration ticket. Thirty thousand proxies have been secured and these will serve to elect the ticket.

**MOLLY REARDON HELD.**

Magistrate Walsh Decides That She Must Be Tried for Excessive Law Violation.

Mary E. Reardon, known as Molly Reardon, proprietor of the Hotel Garrick, in West Forty-second street, was held by Magistrate Walsh in the West Side court yesterday in \$500 bail for trial on the charge of violating the excise law in being present when liquor was sold after hours on Sunday, December 8. She was discharged by Magistrate Baker on last Thursday on the charge of maintaining a disorderly house. Her manager was held for trial. District Attorney Jerome ordered that a new complaint of violation of the excise law be made against her. Magistrate Walsh decided that a good case had been made. William B. Gottlieb went on her bond.



## Let Us Suggest a Regina Chime Clock

A tall, stately, beautiful clock, equipped with the famous Regina tune-changing feature. Instead of one air repeated at hourly intervals, the Regina automatically changes the air hourly, rendering whatever combination of airs you select in the sweet chime tones.

Our Broadway store is Christmas headquarters for musical gifts of the present:

Victor Talking Machines. \$17 to \$500  
Regina Player Pianos. \$450 to \$750  
Edison Phonographs. \$10 to \$60  
Regina Chime Clocks. \$175 to \$370

All goods sold on the payment plan if preferred. Open evenings.

**THE REGINA CO.**  
Broadway & 17th Street.  
The only manufacturers of music boxes in America.

**GRAND JURY AFTER N. Y. LIFE.**

**PRETENSED SALE OF STOCKS UNDER INVESTIGATION.**

Inquiry to Last Several Days and Indictments for Third Degree Forgery May Result—Treasurer Randolph and Bookkeeper Who Gave Note Examined.

The Grand Jury took up yesterday the investigation of the management of the New York Life Insurance Company and devoted the whole day, morning and afternoon, to hearing the testimony of two witnesses. Edmund B. Randolph, treasurer of the company, and M. M. Mattison, a bookkeeper in the treasurer's department. District Attorney Jerome examined the witnesses.

The investigation will probably go over into next week. A number of the employees of the New York Life and stacks of books of the company have been subpoenaed. George W. Perkins has not been subpoenaed, but if he is wanted he will be notified. Judge Andy Hamilton may be a witness.

All the transactions that were brought out by the Armstrong committee will be laid before the Grand Jury. In addition the investigation of the affairs of the company, which has been going on quietly under the direction of Assistant District Attorney Kresel for some time, brought to light certain things with which the Grand Jury will be acquainted.

It was said yesterday that in respect to certain things that had been discovered indictments might be expected. On what particular transactions indictments would be based could not be learned, but it was said that if indictments were filed they would probably be for forgery in the third degree, as it was not expected that any indictments for larceny would be filed.

Yesterday's investigation covered the stock dealings between the New York Life and the New York Security and Trust Company, a subsidiary, after the Prussian Government had bought the company from doing business because it invested in stocks. It was in 1897 that the Prussian Government shut out the New York Life, but two years later it informed the company that if it got rid of its stock holding, and its report to the State Superintendent of Insurance should show that to be the fact, the company could do business again.

The company agreed to the proposition. It had valuable blocks of stock which it could not dump on the market except at a loss. The stock was sent to the New York Security and Trust Company, and on the books of the New York Life it was entered as a sale. As a matter of fact, according to what was brought out at the Armstrong investigation, the New York Security company and Mattison, who had been given notes for the supposed purchase of the stock, which amounted to \$3,250,000, and the security company held the stock as collateral. On the books of the security company the stock was down as a loan, and on the books of the New York Life it was down as a sale. Later the security company sold a block of the stock at a profit and the rest of it was sold at a loss.

A witness who will be examined to-day in regard to this transaction is Alexander Webb, who was secretary of the trust company. The examination of Mr. Randolph and Mattison will also be continued to-day.

Another transaction that Mr. Jerome will go into concerns the \$1,000,000 Mr. Perkins borrowed from the New York Life, with which he bought \$1,000,000 worth of bonds of the Mexican Central Railroad. The profits were \$40,000, which he explained he turned over to the Nylie, the organization of agents of the company, after paying back the \$1,000,000 to the company. Mr. Perkins said at the time of the Armstrong investigation that he considered the \$1,000,000 a loan to the Nylie.

It is expected also that the Grand Jury will make an extended investigation of the Nylie's relationship with the company. The transfer of \$300,000 worth of International Mercantile Marine bonds to J. Pierpont Morgan & Co., which were later transferred to a small fund had been deducted for interest, will also be taken up by the Grand Jury. It is the contention that the bonds were simply transferred by the New York Life so that they wouldn't appear on a company's report to the Superintendent of Insurance.

**THE GOVERNOR-ELECT AT A BALL.**

Mr. Hughes the Guest of Honor of the Ivy Republican Club.

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Mr. Hughes arrived at Terrace Garden shortly after 8 o'clock and was met by a band of music. He was escorted by a squad of eight detectives, who acted as his escort. The Governor-elect occupied a box in the balcony. This will force the whole question of graft in the Capitol into the courts.

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## BLAME CAR FAMINE ON ROADS.

SUFFERERS DECLARE IT IS A REVENGEFUL CONSPIRACY.

Independent Grain Buyers Tell of Favoritism to Line Elevators—U. S. Steel Offers Cars to Break Coal Famine—Effect of Car Shortage on Wheat.

VALLEY CITY, N. D., Dec. 18.—North Dakota independent grain buyers to the number of 200 were in session here to-day. The railroads, they declare, have entered into a conspiracy to drive out the independent grain dealers and to defeat the delivery of coal in the Northwest as punishment for the movement inaugurated for a reduction of rates.

The independent elevator men declare that the railroads send them cars of 22,000 pounds capacity while they send the line elevators cars of 60,000 pounds capacity and that the line elevators are able to ship five cars to the independent one car. The farmers' elevators, they declare, pay more for storage, higher rates for freight and receive less for their grain than the line elevators.

The shortage of fuel is regarded as a conspiracy to drive the people into supporting legislation pending, but it is having the opposite effect. The people are aroused, and the most stringent railroad legislation ever enacted will be placed on the statute books of this State this winter.

St. Paul, Dec. 18.—Evidence tending to show that a coal combination exists in the Northwest and of favoritism in the distribution of cars was presented to the Interstate Commerce Commission to-day. Telegrams were received from nineteen North Dakota towns suffering from lack of coal and oil appealing for relief.

Late this afternoon a message was received from the Duluth, Missabe and Northern road, owned by the United States Steel Corporation, saying:

"The management has decided to loan to the Northern Pacific Railroad 500 steel ore cars and eight locomotives for the purpose of hauling coal from Duluth to North Dakota to relieve the suffering in that State."

Witnesses to-day testified that what values are lower for the producer and increased for the consumer by the car shortage and that favoritism in the distribution of cars threatens the destruction of independent grain buyers.

The commission examined nine witnesses. S. Blair, secretary of the Minnesota Farmers' Elevators Association, said that he had been paid \$10,000 for the use of his name in a campaign to get a bonus was paid. It was shown that millions of bushels of grain are still in the farmers' hands, money because he could not get to market. The Farmers' National Bank of Fargo has loaned \$300,000 to country banks that usually have large balances at this season, and jobbers have been heavy borrowers because collections were delayed by the same cause.

Photographs were presented of grain piled on the ground in front of a farmer's house, whereas in former years they had got thirty or forty cars this year they had been able to get but one or two.

Witnesses testified that about 40 per cent of the 1906 crop is in the farmers' hands and about 25 per cent in country elevators. The effect of this is to lower the price at the point of production, as grain men demanded a margin of six or seven cents instead of two cents, owing to the delays of getting grain to market.

St. Louis, Dec. 18.—Interstate Commerce Commission to-day opened an inquiry into the car shortage. Some witnesses testified that they had been unable to get more than 25 per cent of the cars needed.

J. C. Lincoln, commissioner of the Merchants' Exchange traffic bureau, read a prepared statement in which he declared the freight delay did not so much to insufficiency of cars as to lack of motive power and facilities for handling cars. He said that one of the greatest delays was caused by the embargoes which certain lines maintained against others.

These embargoes he thought were justified to a certain extent, because a line refusing its cars to go beyond its own rails is crippling its facilities, as cars are not always promptly returned.

Requested permission to suggest remedies, Mr. Lincoln said that the roads ought to be required to keep up their equipment and track facilities, furnish prompt and accurate terminal facilities, that all railroads should be required to freely interchange their cars and that they should establish a clearing house for equitable interchange of cars among different lines.

**BRINGS GRAFT CASE TO HEAD.**

Pennsylvania State Treasurer Refuses to Pay State Capitol Bills.

HARRISBURG, Pa., Dec. 18.—At a meeting of the Board of Public Grounds and Buildings to-day State Treasurer Berry refused to approve bills of J. H. Sandercock of Philadelphia for \$108,000 for part of the furnishing and equipment of the new State Capitol and of Architect Joseph M. Huston for \$50,000 on account of professional services.

Gov. Pennypacker and Auditor-General Sandercock, constituting a majority of the board, voted to approve the bills, but the State Treasurer says he will not pay them unless compelled to do so by the courts. This will force the whole question of graft in the Capitol into the courts.

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## HALDEMAN CASE NEAR END.

Judge Asks Why Policyholders Were Not Called—Damages by Toss of Coin.

Special Cable Dispatch to THE SUN.

LONDON, Dec. 18.—Mr. Finlay, K. C., concluded his special for the plaintiff to-day in the case of the Mutual Life Insurance Company of New York against D. C. Halde- man and the North British and Mercantile Insurance Company. He said that Halde- man ought to have resigned his position as manager for the Mutual and then he would have been free to engage in any agitation, however adverse it might have been to the company. The whole trouble had arisen from the false step taken by Halde- man.

When Mr. Finlay was proceeding to deal with the plaintiff's claim for damages the Judge, Sir Charles Swinfen Eady, interrupted him and said he had been struck by the fact that not a single policyholder had been called as a witness by the plaintiffs, nor had any attempt been made to show whether the policyholders were misled or not. The North British had gone over by reason of the scandals in the management of the Mutual, or had simply followed Halde- man, or had gone by reason of improper solicitation.

Mr. Finlay replied that if the plaintiffs had called policyholders to give evidence they probably would have been pounced upon by Rufus Isaacs (defendant's counsel) with an explanation of the mixed motives and their testimony would have been characterized as worthless. He (Finlay) admitted the difficulty of estimating damages in a case like this. It might be assigned to the category of those cases which, as Mr. Justice Maule had said, could be decided by tossing up. Addressing the jury then, Mr. Finlay said:

"I am sure, gentlemen, that you will find it to be a case for the jury."

The court postponed the charge to the jury.

**CASE AGAINST COL. MANN.**

The "O. K." He Disowned Described as a Material Point in Haggard Defence.

Most of the time at the trial of Col. William D. Mann of Town Topics in General Sessions for perjury was taken up yesterday with a review of the testimony taken at the trial of Norman Haggard for criminal libel on the complaint of Justice Deane's Special Session. The record of this trial was identified by Clerk William Penney of the Supreme Court, where Haggard was tried, and then the stenographer was questioned about the accuracy of his report. Assistant District Attorney Garvan read part of the testimony taken at the Haggard trial, but when he came to getting into the matter of the purpose of the introduction of the Count Ward letter, which forms the basis of the perjury charge against Col. Mann, Martin W. Littleton, counsel for the bewhiskered Colonel, raised a storm of objections. Justice Deane sustained them and the case was adjourned for this morning.

In his opening Assistant District Attorney Garvan said that Col. Mann deliberately committed perjury in his testimony that he did not write the initials "O. K. W. D. M." on the Count Reginald Ward letter.

"This defendant heard counsel for the plaintiff read the letter from Count Ward to me," said Col. Mann, "and he said that I had published a scandalous article in his paper, Town Topics, about a man, that he got his name from the initials 'O. K. W. D. M.' of the same man. He heard the Court say that if that could be shown it would be material to the issue on trial. He knew that I had published other articles attacking Ward's character, and that after Ward had paid him his price—after Ward had made a peace offer in the shape of a \$10,000 bribe—he had published articles complimentary of Count Ward. That was the state of mind of Col. Mann when he wrote the letter from Count Ward which he had 'O. K.'d for the purpose of putting Count Ward on the free list of Town Topics. And why did this defendant want Count Ward on the free list of Town Topics? So that the Count could see the pleasant articles about Ward and the mining stock."

Mr. Littleton objected to Mr. Garvan going into a history of the Haggard trial and the Recorder suggested to Mr. Garvan that he keep from touching on facts outside of the charge on the perjury charge. The trial will be continued to-day.

**TOBACCO TRUST TRIALS BEGIN.**

Licensor Companies and Their Presidents on the Rack.

The MacAndrews & Forbes Company and the J. S. Young Company, subsidiaries of the tobacco trust, which, with their presidents, were indicted for violation of the Sherman Anti-trust law in entering into a combination to secure a monopoly of the trade in the States, were on trial to-day before Judge Hough in the United States Circuit Court, Criminal Branch, yesterday. De Lancey Nicol and John D. Lindsay appeared for the corporations, and Karl Jungbluth and Howard E. Young, the presidents, were represented by Ernest E. Baldwin. Assisting Henry W. Taft, Special Attorney-General, were Special Attorneys George P. Grosvenor, Edwin N. Hill this city. Special Attorney-General Oliver E. Pagan also came on from Washington for the trial.

Motions for postponement, separate trials and to quash the indictments were all denied.

Instead of exercising the right to challenge each juror after he had been sworn, the attorneys waited until twelve men had filed into the box, when Mr. Taft used up two of his twelve peremptory challenges and selected Charles G. Taylor. The latter, who is a silk merchant at 436 Broome street, created a lot of amusement in the courtroom when he was sworn in. He was not a brother of Lawyer Howard Taylor, "who," said Mr. Nicol, "has a fondness for talking over matters of State and foreign policy."

At the conclusion of the afternoon session twelve men who were acceptable to the Government's attorneys had been obtained, but as the defendant's lawyers have not exercised any of the twelve challenges to which they are entitled the empanelling of the jury may have to go on to-day.

In his questions to the prospective jurors Mr. Nicol intimated that the present case was the result of the antipathy of the so-called "independent" dealers in tobacco, who seek to subvert the business of purely selfish motives. He intimated also that it was the intention of the defence to question the validity of the Sherman law, which was later, of his own accord. A brother and cousin who enlisted with him were killed in battle.

Col. Jackson married Miss Amy Rich of Haddon, Ohio, in 1888, and they resided at the Hermitage until 1894, removing to Cincinnati and afterward returning to Nashville, where Col. Jackson was for some time connected with the internal revenue service. He owned many valuable relics left by President Jackson.

**LANDLORD HAILED TO COURT.**

Police Captain Russell Continues His Warfare on Disorderly Houses.

John D. Murphy of 940 Amsterdam avenue, a contractor at 108 Fulton street, said to be doing city work, was charged yesterday in the West Side court by Capt. Russell of the West Thirty-seventh street police station with knowingly renting his house at 205 West Thirty-third street for disorderly purposes. He was held by Magistrate Walsh in \$500 bail for examination on Thursday.

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